

fifth Legislature, by Section 2 of Chapter 113 of the Acts of the Regular Session of the Thirty-sixth Legislature by increasing the license fee on commercial and interurban commercial vehicles based upon carrying capacity and per mile traveled, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

McNEALUS, Chairman.

Committee Room,

Austin, Texas, Jan. 27, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 112, A bill to be entitled "An Act to amend Article 1121 of the Revised Civil Statutes of the State of Texas (prescribing the purposes for which private corporations may be organized) by adding thereto Section 81, authorizing the organization of holding companies for the purpose of dealing in the capital stock, bonds, mortgages, debentures, notes, and other securities and evidences of indebtedness of other corporations,"

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

McNEALUS, Chairman.

Committee Room,

Austin, Texas, Jan. 27, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on State Institutions and Departments, to whom was referred

S. B. No. 69, A bill to be entitled "An Act to establish and maintain a State School of Correspondence at Austin, Texas; to provide for all courses of study by correspondence that supply the needs of Texas people; to provide for the appointment of an executive for same and prescribe their duties, to provide for the appointment of members of the faculty, prescribe their duties and provide for the salaries of members of said faculty,"

Have had the same under consideration, and I am instructed to report the same back to the Senate

with the recommendation that it do pass.

WOOD, Chairman.

Committee Room,

Austin, Texas, Jan. 28, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 53, and find the same correctly enrolled and have this day at 11 o'clock a. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, Jan. 28, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Concurrent Resolution No. 5 and find the same correctly enrolled and have this day at 11 o'clock a. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, Jan. 28, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Concurrent Resolution No. 4 and find the same correctly enrolled and have this day at 11 o'clock a. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

## FIFTEENTH DAY.

Senate Chamber,

Austin, Texas,

Monday, January 31, 1921.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Page.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.  
Baugh.  
Carlock.  
Clark.  
Cousins.  
Darwin.  
Davidson.

Dudley.  
Fairchild.  
Floyd.  
Hall.  
Hertzberg.  
McMillin.  
Murphy.

Page.	Williams.
Richards.	Witt.
Suiter.	Wood.
Watts.	Woods.

Absent—Excused.

Bledsoe.	McNealus.
Buchanan.	Parr.
Dorough.	Rogers.
Harp.	Russell.
Lewis.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Bailey.

#### Excused On Account of Important Business.

Senator Parr for today and until Wednesday, on motion of Senator Bailey.

Senator Bledsoe for today and until Wednesday, on motion of Senator Williamson.

Senator Rogers for today and tomorrow, on motion of Senator Witt.

Senator Lewis for today, on motion of Senator Carlock.

Senator Harp for today, on motion of Senator Carlock.

Senator Russell, for today on motion of Senator Woods.

Senator Buchanan, on motion of Senator Hertzberg.

Senator McNealus, on motion of Senator Davidson.

#### Simple Resolution No. 34.

Whereas, Judge Chas Brachfield, District Judge of the Fourth Judicial District of Texas, a prominent Democrat and a former member of this body is now in the city; therefore, be it

Resolved, That he be extended the privilege of the floor and be invited to address the Senate.

DAVIDSON.

SUITER.

BAILEY.

The resolution was read and adopted.

The Chair appointed the signers of the resolution as a committee to escort Judge Brachfield to the president's stand, who, after being introduced, addressed the Senate briefly.

#### Message from the House.

Hall of the House of Representatives,  
Austin, Texas, Jan. 28, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 136, A bill to be entitled "An Act making appropriation to pay salaries of judges and the support of the judicial department of the State government for the two years beginning September 1, 1921, and ending August 31, 1923, and declaring an emergency," with engrossed rider.

H. B. No. 124, A bill to be entitled "An Act amending Chapter 57, Section 2, Local and Special Laws of the State of Texas, passed at the Third Called Session of the Thirty-sixth Legislature, approved June 17, 1920, creating the Blythe County Line Independent School District in Gaines, Terry and Yoakum counties, by redefining and correcting the boundaries of said Blythe County Line Independent School District, and declaring an emergency."

H. B. No. 133, A bill to be entitled "An Act creating the Carrizo Springs Independent School District of Dimmitt County; defining its metes and bounds; vesting it with the rights and powers, duties and privileges of districts incorporated for school purposes only under the general laws; providing that all outstanding bonded indebtedness of Carrizo School District No. 1 of Dimmitt County, Texas, shall be validated and made a valid obligation against the Carrizo Springs Independent School District of Dimmitt County, Texas; providing for a board of trustees thereof, and declaring an emergency."

The House has adopted:

S. C. R. No. 12, Relating to use of transportation furnished members of Legislature by citizens of Denton.

S. C. R. No. 11, Felicitating the Governor Elect of the State of Nuevo Leon, Mexico.

Respectfully submitted,

N. K. BROWN,

Chief Clerk House of Representatives.

#### Bills Read and Referred.

The Chair, President Pro Tem. Page, had referred, after their cap-

tions had been read, the following House bills:

H. B. No. 136, referred to Committee on Finance.

H. B. No. 124, Referred to Committee on Educational Affairs

H. B. No. 133, Referred to Committee on Educational Affairs.

### Bills and Resolutions.

By Senator Bailey:

S. B. No. 144, A bill to be entitled "An Act to amend Article 1480, Chapter 2, Title 29, of the Revised Civil Statutes of the State of Texas, 1911, relating to the purchasing of supplies for the use of counties and providing that in cases of emergency purchases not in excess of one hundred and fifty (\$150.00) dollars may be made upon requisition approved by the commissioners' court without advertising for competitive bids, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Witt:

S. B. No. 145, A bill to be entitled "An Act to provide for the acceptance of the benefits of an Act passed by the Senate and House of Representatives of the United States of America in Congress assembled to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise; to provide for the appointment of a custodian of all moneys received by the State from appropriations made by the Congress of the United States for the purpose stated; to provide for the appointment of a State board to co-operate with the Federal Board for Vocational Education in carrying out the provisions of said Act; and prescribing its powers and duties; to provide for a plan of co-operation between such State board and the State Industrial Accident Board and to make appropriations to provide for the vocational rehabilitation of persons disabled in industry or otherwise."

Read first time and referred to Committee on Educational Affairs.

By Senator Floyd:

S. B. No. 146, A bill to be entitled "An Act for the purpose of promoting the public school interests of rural schools and those of small

towns of aiding the people to provide adequate school facilities for the education of their children, by the appropriation of one million dollars each year, or so much thereof as may be necessary, for the next two fiscal years, ending August 31, 1922, and August 31, 1923, respectively, as allowing the State Board of Education and the State Superintendent of Public Instruction to aid such schools in accordance with the conditions herein specified; providing how such schools shall be located and school buildings constructed, furnished and maintained; providing certain prerequisites for the granting of such aid, and providing that no school having over five hundred scholastics shall receive such aid, except in the case of bona fide consolidated schools situated in the country; giving preference to all school districts in which the available school funds, together with the local district tax will not maintain the schools six months in the year; providing that such schools that receive such aid shall have a certain percentage of attendance with exceptions; granting authority to the State Board of Education and the State Superintendent of Public Instruction to act for the best interests of the schools in cases and conditions not covered by the law; giving to the State Board of Education and the State Superintendent power to establish rules and regulations for the improvement of country schools receiving the benefits of a portion of the funds provided for in this Act; providing for the expenses of administration by action of the State Board of Education; providing for reports to be made to the State Superintendent of Public Instruction and to the State Board of Education; providing for the manner of payment and disbursement of all money granted under the provisions of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senators Fairchild, Baugh, Floyd and Richards.

S. B. No. 147, A bill to be entitled "An Act providing that when the person or property of anyone is injured or damaged through the negligence of another upon any public highway and by means of an automobile, truck or

other motor driven vehicle owned by another and whether such automobile, truck, or other motor vehicle is being operated at the time by the owner thereof or any other person, other than the person who, or whose property is injured or damaged, suit may be brought by the party in interest for the injury so sustained or the damages so done, and if a judgment therefor is obtained it shall be a first lien upon such automobile, truck or other motor vehicle, any contract lien thereon to the contrary notwithstanding. Upon the filing of such suit such automobile, truck or other motor driven vehicle may be attached by the plaintiff the same as if the damages in said suit were liquidated damages and thereafter said automobile, truck, or other motor driven vehicle shall be dealt with in such suit as in other suits involving attachments for liquidated damages under existing laws; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Hertzberg:

S. B. No. 148, A bill to be entitled "An Act to direct and authorize the County Commissioners' Court of all counties in the State of Texas to construct, at all points where county roads or State highways cross at grade a steam railroad or interurban line, a safety crossing device of any character which makes or tends to make automobiles or other vehicles reduce the speed when crossing said railroads, or interurban lines, and to provide a penalty for drivers of automobiles, or other vehicles, or other persons, for failing to use said device when constructed, and for destroying or mutilating said device, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Witt:

S. B. No. 149, A bill to be entitled "An Act providing that a person, firm or corporation, engaged in the dairy-ing business, or in the distribution or sale of milk, may file in the office of the County Clerk name, trade mark, design, etc., used, and cause publication of same in a newspaper, and thereby acquire exclusive use of such name, etc.; and regulating the use and sale of trade name, trade mark, etc., and property marked with same; and providing penalties."

Read the first time and referred to

Committee on Criminal Jurisprudence.  
Morning call concluded.

### Senate Bill No. 70.

The Chair laid before the Senate, on third reading, and regular order,

S. B. No. 70, A bill to be entitled "An Act to provide for the nomination of candidates for judicial offices, viz.: District Judge, Judge of the Court of Civil Appeals, Judge of the Court of Criminal Appeals and Judge of the Supreme Court, by the different political parties in this State, by conventions under such rules and regulations as may be prescribed by the executive committees of said parties; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read third time, and Senator Carlock offered the following amendment:

Amend S. B. No. 70 by striking out all after Section 2 of said bill as amended on its engrossment in the Senate and add the following:

Provided that none but legally qualified voters of the party holding said delegate conventions, shall be permitted to participate therein; and provided that the delegates to the county conventions shall be selected in each voting precinct in each county in the district on a uniform date, and the respective county conventions shall be held on a uniform date but the dates of said precinct and county conventions, as well as the district and state conventions, shall be fixed at a time when no other nominating conventions, or primary election, or convention, are to be held, and provided further that the basis of representation in all said conventions shall be upon a fair and uniform basis throughout the entire district or State; and provided further that no nominations shall be made except upon the candidate receiving, at least a clear majority of all the votes of such convention, subject, however, to the right of the convention making the nomination, or of the State executive committee, to require a larger number of votes to nominate, as a prerequisite to such nominations.

The amendment was read and adopted by unanimous consent of the Senate.

Senator Witt offered the following

amendment, which was adopted by unanimous consent of the Senate:

Amend S. B. No. 70 by striking out the words, "District Judge."

The bill was then finally passed by the following vote:

**Yeas—14.**

Bailey.	Hall.
Baugh.	Hertzberg.
Carlock.	McMillin.
Clark.	Richards.
Davidson.	Williams.
Dudley.	Witt.
Fairchild.	Wood.

**Nays—6.**

Darwin.	Page.
Floyd.	Suiter.
Murphy.	Woods.

**Present—Not Voting.**

Watts.

**Absent.**

Cousins.	McNealus.
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**Absent—Excused.**

Bledsoe.	Lewis.
Buchanan.	Parr.
Dorough.	Rogers.
Harp.	Russell.

**Bills Signed.**

The Chair, President Pro Tem. Page, gave notice of signing, and did sign, in the presence of the Senate after its caption had been read, the following bill:

H. B. No. 191, A bill to be entitled "An Act for the relief of railway corporations having charters amended since the first day of January, 1896, and which have failed to construct any extension, or any part thereof, authorized by said amendments, within the time required by law, and declaring an emergency."

**Senate Joint Resolution No. 1.**

The Chair laid before the Senate, on second reading and regular order,

S. J. R. No. 1, Proposing an amendment to Section 2, Article 6 of the Constitution of the State of Texas by providing that only native born or naturalized citizens of the

United States shall be qualified electors in this State, and permitting either the husband or the wife to pay the poll tax of the other and receive the receipt therefor, and permitting the Legislature to authorize absentee voting."

The resolution was read second time and, on motion of Senator Dudley, laid on the table subject to call.

**Senate Joint Resolution No. 2.**

The Chair laid before the Senate, on second reading, and regular order,

S. J. R. No. 2, Proposing an amendment to Section 3 of Article 7 of the Constitution of the State of Texas by limiting the amount of the poll tax collected by the State to fifty cents; giving the Legislature authority to authorize incorporated towns and cities to collect a poll tax not to exceed fifty cents and by counties not to exceed twenty-five cents.

The resolution was read second time and on motion of Senator Dudley, was laid on the table subject to call.

**Senate Joint Resolution No. 4.**

The Chair laid before the Senate, on second reading, and regular order,

S. J. R. No. 4, A joint resolution of the Legislature of the State of Texas, amending Sections 5 and 21 and 22 and 23 of Article IV of the Constitution of the State of Texas relating to the compensation of the executive officers of said State.

The resolution was read second time, and, on motion of Senator Bailey, was laid on the table subject to call.

**Senate Bill No. 45.**

The Chair laid before the Senate, on second reading, and regular order,

S. B. No. 45, A bill to be entitled "An Act repealing Article 7380, Title 126, Chapter 2, Revised Civil Statutes 1911, providing for the payment of an occupation tax by individuals, companies, corporations and associations in this State selling pistols, and declaring an emergency."

The bill was read second time and

passed to engrossment.

On motion of Senator Darwin, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 45 put on its third reading and final passage, by the following vote:

Yeas—20.

Bailey.	Hall.
Baugh.	McMillin.
Carlock.	Murphy.
Clark.	Page.
Darwin.	Richards.
Davidson.	Watts.
Dudley.	Williams.
Fairchild.	Witt.
Floyd.	Wood.
Hertzberg.	

Woods.

Nays—1.

Sulter.

Absent.

Cousins.

Absent—Excused.

Bledsoe.	McNealus.
Buchanan.	Parr.
Dorough.	Rogers.
Harp.	Russell.
Lewis.	

The bill, Senate Bill No. 45, was read third time and passed finally by the following vote:

Yeas—21.

Bailey.	Hall.
Baugh.	Hertzberg.
Carlock.	McMillin.
Clark.	Murphy.
Cousins.	Richards.
Darwin.	Watts.
Davidson.	Williams.
Dorough.	Witt.
Dudley.	Wood.
Fairchild.	Woods.
Floyd.	

Nays—2.

Page.

Sulter.

Absent—Excused.

Bledsoe.	McNealus.
Buchanan.	Parr.
Harp.	Rogers.
Lewis.	Russell.

#### Senate Bill No. 52.

The Chair laid before the Senate, on second reading, and regular order, S. B. No. 52, A bill to be entitled

"An Act to amend Section 28, Chapter 190, of the Laws passed by the Thirty-fifth Legislature of the State of Texas, Regular Session, pages 424-425 of Published Laws, the Act creating and establishing a State Highway Department and creating a State Highway Commission, and providing for the distribution to the counties a part of the moneys received from the registration fees of all motor vehicles and motorcycles, and approved by the Governor April 4, 1917, by striking out the words, "In accordance with plans approved by the State Highway Department" at the end of Section 23, so that Section 23, Chapter 190, shall hereafter read as follows, "and declaring an emergency."

The bill was read second time, and, on motion of Senator Darwin, the Committee report, recommending a substitute bill, was adopted.

On motion of Senator Darwin, the bill was laid on the table subject to call.

#### Senate Bill No. 63.

The Chair laid before the Senate, on second reading, and regular order,

S. B. No. 63, A bill to be entitled "An Act to amend Article 4703 of Chapter 1, Title 70, and Article 5686, Chapter 2, Title 87, of the Revised Statutes of Texas of 1911, relating to Survival of Causes of Action for Personal Injuries and Injuries Resulting in Death, and Providing for the Survival of Causes of Action for Injuries Resulting in Death where the Tort-feasor dies before suit is instituted; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 63 put on its third reading and final passage by the following vote:

Yeas—21.

Bailey.	Floyd.
Baugh.	Hall.
Carlock.	Hertzberg.
Clark.	McMillin.
Cousins.	Murphy.
Darwin.	Page.
Davidson.	Richards.
Dudley.	Sulter.
Fairchild.	Watts.

Williams. Woods.  
Wood.

Absent.

Witt.

Absent—Excused.

Bledsoe. McNealus.  
Buchanan. Parr.  
Dorough. Rogers.  
Harp. Russell.  
Lewis.

The bill, Senate Bill No. 63, was read third time and passed finally.

#### Senate Bill No. 67.

The Chair laid before the Senate on second reading, and regular order,

S. B. No. 67, A bill to be entitled "An Act to amend Section 3 of Chapter 91 of the General Laws of the State of Texas, passed by the Thirty-fifth Legislature at its Regular Session: to fix the time for holding the terms of the district court in the various counties composing the 81st Judicial District of Texas, to repeal all laws and parts of laws in conflict with this Act, and declaring an emergency."

On motion of Senator Bailey, the bill was laid on the table subject to call.

#### Senate Bill No. 55.

The Chair laid before the Senate, on second reading, and regular order,

S. B. No. 55, A bill to be entitled "An Act to amend Article 1551, Chapter 9, Title 31, of the Revised Civil Statutes of Texas, of 1911, and also to amend Article 1627, Title 32, Chapter 9, Revised Civil Statutes of Texas, 1911, so as to provide, in substance that when the judgment of the lower court is affirmed or reversed and rendered, that the Court of Civil Appeals, or the Supreme Court in which said suit is pending, shall at the same time render judgements against the party appealing, together with the sureties on the appeal, or supersedeas bond for the amount of the judgment so rendered, and providing that the said Court shall make such disposition as to costs as may be deemed proper; to repeal all laws in conflict herewith, and declaring an emergency."

13—Senate.

The bill was read second time and passed to engrossment.

On motion of Senator Carlock, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 55 put on its third reading and final passage, by the following vote:

Yeas—21.

Bailey.	McMillin.
Baugh.	Murphy.
Carlock.	Page.
Clark.	Richards.
Cousins.	Suiter.
Darwin.	Watts.
Davidson.	Williams.
Dudley.	Witt.
Fairchild.	Wood.
Hall.	Woods.
Hertzberg.	

Absent.

Floyd.

Absent—Excused.

Bledsoe.	McNealus.
Buchanan.	Parr.
Dorough.	Rogers.
Harp.	Russell.
Lewis.	

The bill, Senate Bill No. 55, was read third time and passed finally, by the following vote:

Yeas—21.

Bailey.	McMillin.
Carlock.	Murphy.
Clark.	Page.
Cousins.	Richards.
Darwin.	Suiter.
Davidson.	Watts.
Dudley.	Williams.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.
Hertzberg.	

Absent.

Baugh.

Absent—Excused.

Bledsoe.	McNealus.
Buchanan.	Parr.
Dorough.	Rogers.
Harp.	Russell.
Lewis.	

#### Senate Bill No. 75.

The Chair laid before the Senate, on second reading, and regular order,

S. B. No. 75, A bill to be entitled "An Act to punish the making or use

of materially false statements in writing respecting financial condition for the purpose of obtaining money, property, or credit when such money, property or credit amount to more than fifty dollars; whether such statements are made directly or indirectly; making such an offense a felony and prescribing the punishment therefor, and declaring an emergency."

The bill was read second time, and Senator Davidson offered the following amendment, which was read and adopted:

Amend S. B. No. 75, after line 14, page 2, by adding the following proviso: "Provided that if the written statement so made to be made merely a matter of opinion, then in that event the penalty shall not apply."

Senator Wood offered the following amendment:

Amend the bill, page 2, line 10, by striking out the word "felony," and by inserting in lieu thereof the word "misdemeanor," and by striking out all of line 11, page 2.

WOOD.  
DARWIN.

The amendment was read.

Pending.

Senator Hertzberg moved to table the amendment, but later withdrew the motion.

Pending discussion of the amendment and bill,

Senator Cousins asked unanimous consent to offer a motion dealing with another matter, but there was objection.

Pending further discussion,

Senator Hall moved that the Senate recess until 3 o'clock this afternoon.

Senator Bailey moved as a substitute that the Senate adjourn until 10 o'clock tomorrow morning, on account of committee meetings.

The motion was yielded.

#### Senate Concurrent Resolution No. 13.

Whereas, the citizens of Denton extended a cordial invitation to the members of the Thirty-seventh Legislature to visit that splendid city on January 29, 1921, and inspect personally two of the State's most valued educational institutions located there, namely, the College of Industrial Arts and the North Texas Normal; and

Whereas, the great majority of the Senators and Representatives responded to the invitation; therefore, be it

Resolved, By the House of Representatives, the Senate concurring, that we express to the citizens of Denton our most hearty and sincere thanks and appreciation for their unstinted, open-hearted hospitality extended to us while in their good city.

Resolved, further, that we congratulate Dr. F. M. Bralley, President of the College of Industrial Arts, and Dr. W. R. Bruce, President of the North Texas Normal, and the splendid faculty of both institutions and the great student body for the great work being done, which means so much to our State.

Resolved, further, that we extend our appreciation to Mr. R. Wynn, division superintendent of the M., K. & T. Ry. Co., and Mr. George Bendetti, ticket agent in Austin, and Mr. L. T. Millican and the entire train crew, including the dining car service, for they put us in Denton exactly on time and we arrived back in Austin on time and not an incident occurred to mar the pleasure of the trip.

Resolved, further, that we express our appreciation to Mr. Silliman Evans, Mr. John Sneed, Mr. W. C. Grobe and Mr. H. K. Lewis, the genial newspaper correspondents, who accompanied the members of the Legislature and who gave such splendid writeup of the trip.

Resolved, further, that these resolutions be spread upon the Journal and a copy of the resolution be duly signed by the Speaker of the House and the President of the Senate, and a copy be forwarded by the Chief Clerk of the House to Hon. H. B. Hennen, Mayor of Denton; Hon. John Speer, President Chamber of Commerce, Denton, Texas; Dr. F. M. Bralley, President of College of Industrial Arts, Denton, Texas; Dr. W. R. Bruce, President North Texas Normal, Denton, Texas; Mr. R. Wynn, division superintendent, M., K. & T. Ry. Co., Denton, Texas.

Williams, Dudley, Carlock, McMillin, Wood, Hertzberg, Baugh, Cousins, Richards, Hall, Fairchild, Davidson, Watts.

The resolution was read and adopted.

Action then recurred on the pending motions to recess and adjourn, and the floor was yielded for the presentation of several bills, by unanimous consent.

The floor was further yielded, and



Senator Cousins moved that on account of a contest for seat of a member being before the Committee on Privileges and Elections, that all members of the Senate be added to that Committee. The motion was lost.

### Adjournment.

Action recurred on the motion to adjourn until 10 o'clock tomorrow, and the motion prevailed.

### Committee Reports.

Senate Chamber,  
Austin, Texas, Jan. 31, 1921.  
Hon. Lynch Davidson, President of the Senate.

Honorable Sir: We, your Committee on Engrossed Bills, have had S. B. No. 70 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,  
Austin, Texas, Jan. 31, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 44 carefully compared and find same to be correctly engrossed.

FLOYD, Vice Chairman.

(Majority Report.)

Committee Room,  
Austin, Texas, Jan. 31, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

S. B. No. 50, A bill to be entitled "An Act repealing Chapter 191 of the Thirty-fifth Legislature, passed at its Regular Session of 1917, and being entitled 'An Act to provide for the establishment, maintenance and government of two State Normal Schools; providing for the location of same; and declaring an emergency;' cancelling and annulling all acts done in pursuance of said Chapter 191; providing for a committee to report for repayment of moneys paid out by order of any of the officers, agents or employes of the State by virtue of the authority of said Chapter 191, by the towns in which said colleges may have been located; providing for the payment of said moneys and the expenses of said

committee, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WITT, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, Jan. 31, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: A minority of your Committee on Educational Affairs, having had under consideration

S. B. No. 50, being a bill to be entitled "An Act repealing Chapter 191 of the Thirty-fifth Legislature, passed at its Regular Session in 1917, and being entitled 'An Act to provide for the establishment, maintenance and government of two State Normal Schools; providing for the location of same; and declaring an emergency;' cancelling and annulling all acts done in pursuance of said Chapter 191; providing for a committee to report for repayment of moneys paid out by order of any of the officers, agents or employes of the State by virtue of the authority of said Chapter 191, by the towns in which said college may have been located; provided for the payment of said moneys and the expenses of said committee, and declaring an emergency,"

Beg leave to report that said bill be reported back to the Senate with recommendation that it do not pass.

COUSINS.

Committee Room,  
Austin, Texas, Jan. 28, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 49, and find the same correctly enrolled and have this day, at 4 o'clock p. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,  
Austin, Texas, Jan. 28, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 16, A bill to be entitled "An Act to amend Article 1521 of the Revised Civil Statutes of Texas, defining the jurisdiction of the Supreme Court as amended by the Acts of 1913,

page 107, further limiting the jurisdiction of the Supreme Court, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Jan. 28, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 37, A bill to be entitled "An Act authorizing the city council or commission of any incorporated town or village of five thousand or less inhabitants to employ attorney for the purpose of collecting delinquent city taxes, where there is no city attorney or where the city attorney is disqualified or fails or refuses to institute and prosecute suit or suits for the collection of such delinquent taxes, and providing method of compensation for such attorney, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Jan. 28, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 93, A bill to be entitled "An Act to amend Chapter 47 of the General Laws of the State of Texas, passed at the Third Called Session of the Thirty-sixth Legislature, 1920, entitled, 'An Act to amend Chapter 111 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-sixth Legislature, 1919,' relating to official shorthand reporter's compensation in certain counties and districts in this State; by providing that in a district wherein in any county in the district the term may continue until the business is disposed of, each county shall pay in proportion to the time court is actually held in such county, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Jan. 28, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 99, A bill to be entitled "An Act to amend Article 3631, Chapter 32, of the Revised Civil Statutes of Texas, 1911, providing for appeals to the District Court from judgments and orders of the County Court in probate matters, regulating pending litigation, repealing all laws in conflict therewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Jan. 28, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 60, A bill to be entitled "An Act restricting and limiting the publication of decisions issuing from the Courts of Civil Appeals, requiring each of said courts upon rendering any opinion, to endorse thereon whether or not said opinion is to be officially reported for publication; making it unlawful to publish in the same volume the official and unofficial decisions and providing penalties,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass, but that the committee substitute bill, herewith presented, do pass in lieu thereof.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Jan. 28, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 42, A bill to be entitled "An Act providing that all trial courts in this State before being authorized and empowered to impose any punishment or fine against another party for any alleged constructive contempt of said courts covering any alleged acts or conduct of said party, arising outside of and not in the presence of said

courts, shall submit the issues of fact involved in such alleged constructive contempt to a jury of said courts as in civil cases, and the findings of said jury shall adjudge the party guilty of contempt as alleged, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

#### SIXTEENTH DAY.

Senate Chamber,  
Austin, Texas,

Tuesday, February 1, 1921.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Lynch Davidson.

The roll was called, a quorum being present, the following Senators answering to their names.

Bailey.	Harp.
Baugh.	Hertzberg.
Buchanan.	McMillin.
Carlock.	Murphy.
Clark.	Page.
Cousins.	Suiter.
Darwin.	Watts.
Davidson.	Williams.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hall.	

Absent.

Richards.

Absent—Excused.

Bledsoe.	Parr.
Dorough.	Rogers.
Lewis.	Russell.
McNealus.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Baugh.

See appendix for petitions and committee reports.

#### Bills and Resolutions.

By Senator Murphy:

S. B. No. 150, A bill to be entitled "An Act to amend Chapter 1, Title 135, of Revised Civil Statutes of Texas, 1911, relating to wills by

adding thereto Article 7857a, providing that clauses in wills attempting to prevent contests thereof shall be void."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Clark:

S. B. No. 151, A bill to be entitled "An Act to amend Section 2 of Chapter 8, Special Laws of the Thirty-sixth Legislature, enacted at its Fourth Called Session, redefining the boundaries of the Eagle Lake Independent School District; the said amendment providing for redefining the boundaries of said district, and providing for the extension of said district and the annexation of adjacent territory thereto; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Fairchild:

S. B. No. 152, A bill to be entitled "An Act amending Article 657, Revised Statutes, 1911, providing for the issuance of county bonds to fund or refund bonds or warrants legally issued by a county, and declaring an emergency."

Read first time and referred to Committee on County and County Boundaries.

By Senator Carlock:

S. B. No. 153, A bill to be entitled "An Act to amend Chapter 179 of the General Laws of the State of Texas passed at the Regular Session of the Thirty-third Legislature, as amended by the Acts of the Regular Session of the Thirty-fifth Legislature, Chapter 103, approved March 28th, 1917, by amending Part 1, Section 2, thereof so that the provisions of said act shall not apply to actions to recover damages for the personal injuries, nor for death resulting from personal injuries sustained by ranch laborers, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Bailey:

S. B. No. 154, A bill to be entitled "An Act amending subdivisions (a) and (b) of Section 16 of Chapter 190 of the General Laws of the Regular Session of the Thirty-fifth Legislature as amended by Section 2 of Chapter 71 of the General Laws of the Fourth Called Session of the Thirty-fifth